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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,779	03/16/2004	Robert Zak	2002-047	3098

24112 7590 06/02/2005

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RALEIGH, NC 27602

EXAMINER
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ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,779

Applicant(s)

ZAK, ROBERT

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2645

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claim 36 is rejected under 35 U.S.C. § 102(e) as being anticipated by Son, U.S. Patent No. 6,212,408 (hereinafter Son).

Regarding claim 36, Son discloses a method of communicating speech signals over a wireless communications device comprising:

detecting speech signals uttered by a user of the wireless communications device;

recognizing predetermined voice commands issued by the user of the wireless communications device; and

transmitting said speech signals responsive to the detection of said predetermined voice commands (see Figure 2).

Art Unit: 2645

3. Claims 1, 14, 22 and 36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Girard et al, U.S. Patent Application Publication No. 2002/0132635 (hereinafter Girard).

Regarding claim 36, Girard discloses a method of communicating speech signals over a wireless communications device comprising:

detecting speech signals uttered by a user of the wireless communications device;

recognizing predetermined voice commands issued by the user of the wireless communications device; and

transmitting said speech signals responsive to the detection of said predetermined voice commands (paragraph 0013).

Claim 1 is rejected for the same reason as claim 36.

Claim 14 is rejected for the same reasons as claim 36.

Claim 22 is rejected for the same reasons as claim 36.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2645

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 10-43 are rejected under 35 U.S.C. § 103(a) as being anticipated by Son in view of Girard.

Regarding claim 1, Son discloses a wireless communication device comprising:

a transceiver operative to communicate in a mode;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands; and

said transceiver operative to transmit said speech signals in said mode responsive to the detection of said predetermined voice commands (see Figure 2).

Son fails to teach the mode is a PTT mode. Nevertheless, Girard discloses this limitation (see paragraph 0013). As a result it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son with the modes of Girard. This modification would have improved the flexibility of Son by providing for a mobile station capable of

Art Unit: 2645

communicating in more than one mode of communication as suggested by Girard (see abstract).

Regarding claim 2, see Figure 6 of Son.

Regarding claim 3, see Figure 3 of Son.

Regarding claim 4, see Figure 1 of Son.

Regarding claim 5, see paragraph 0013 of Girard and Figure of Son.

Regarding claim 6, see column 2 and 3 of Son.

Regarding claim 7, see Figure 1 of Son.

Regarding claim 8, see Figure 3 of Son.

Regarding claim 10, see Figure 3 of Son.

Regarding claim 11, see paragraph 0013 of Girard.

Regarding claim 12, see paragraph 0013 of Girard.

Regarding claim 13, see Figure 2 of Son.

Claim 14 is rejected for the same reasons as claim 1.

Claim 15 is rejected for the same reasons as claim 2.

Regarding claim 16, see paragraph 0013 of Girard.

Regarding claim 17, see Figure 6 of Son.

Regarding claim 18, see Figure 3 of Son.

Regarding claim 19, see Figure 3 of Son.

Regarding claim 20, see Figure 2 of Son.

Regarding claim 21, see columns 2 and 3 of Son.

Art Unit: 2645

Claim 22 is rejected for the same reasons as claim 1.

Regarding claim 23, see paragraph 0013 of Girard.

Regarding claim 24, see paragraph 0013 of Girard.

Claim 25 is rejected for the same reasons as claim 1.

Regarding claim 26, see Figure 2 of Son.

Regarding claim 27, see Figure 1 of Son.

Regarding claim 28, see paragraph 0013 of Girard.

Regarding claim 29, see Figure 6 of Son.

Regarding claim 30, see Figure 6 of Son.

Regarding claim 31, see column 12 of Son.

Regarding claim 32, see column 13 of Son.

Regarding claim 33, see paragraph 0014 of Girard.

Regarding claim 34, see paragraph 0013 of Girard.

Regarding claim 35, see paragraph 0013 of Girard.

Claim 36 is rejected for the same reasons as claim 1.

Regarding claim 37, see paragraph 0013 of Girard.

Regarding claim 38, see paragraph 0013 of Girard.

Regarding claim 39, see Figure 6 of Son.

Regarding claim 40, see column 12 of Son.

Regarding claim 41, see paragraph 0014 of Girard.

Regarding claim 42, see paragraph 0014 of Girard.

Regarding claim 43, see paragraph 0013 of Girard.

Art Unit: 2645

5. Claim 9 is rejected under 35 U.S.C. § 103(a) as being anticipated by the combination of Son and Girard in view of Admitted Prior Art.

As per claim 9, Son combined with Girard does not meet the claimed transmitting limitation. Yet Applicant's disclosure admits this limitation is well known in the art (see page 11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Son and Girard with the Admitted Prior Art. This modification would have modernized the wireless communication device by insuring the listener that the telephone has not gone dead.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned



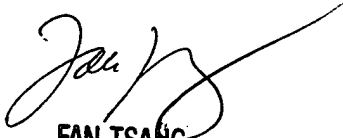
Art Unit: 2645

are 703-872-9314 for regular communications and 703-872-9314 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 703-305-3900.

OA

Olisa Anwah  
Patent Examiner  
May 27, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600